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EXAMINER	
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3625	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/517,134	LINKER ET AL.	
	Examiner	Art Unit	
	Nicholas D. Rosen	3625	

-- Th MAILING DATE of this communication appears on th cover sh et with th correspond nc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 March 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-73* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-58 and 63-73* is/are rejected.

7)☒ Claim(s) *59-62* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Claims 1-73 have been examined.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is 219 words long, exceeding the permitted length. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: On page 4, line 14, "stationary" (which means not moving) should be "stationery" (which means letters, envelopes, and related materials). The paragraph at the top of page 6 appears to have totally extraneous words inserted through some mistake.

Appropriate correction is required.

Claim Objections

Claim 3 is objected to because of the following informalities: It does not appear to make sense for a single format to include JPEG, GIF, TIFF and PIC; the claim should

presumably read "the format comprising one of JPEG, GIF, TIFF, and PIC," and is taken as doing so for examination purposes. Appropriate correction is required.

Claim 4 is objected to because of the following informalities: It does not appear to make sense for a single format to include MPEG, QTEM, and AVI; the claim should presumably read "the format comprising one of MPEG, QTEM, and AVI," and is taken as doing so for examination purposes. Appropriate correction is required.

Claim 8 is objected to because of the following informalities: In the first line "facility create" should be "facility to create". Appropriate correction is required.

Claim 22 is objected to because of the following informalities: It does not appear to make sense for a single format to include WAV and MP3; the claim should presumably read "the format comprising one of WAV and MP3," and is taken as doing so for examination purposes. Appropriate correction is required.

Claim 29 is objected to because of the following informalities: It does not appear to make sense for a single format to include JPEG, GIF, TIFF and PIC; the claim should presumably read "the format comprising one of JPEG, GIF, TIFF, and PIC," and is taken as doing so for examination purposes. Appropriate correction is required.

Claim 30 is objected to because of the following informalities: It does not appear to make sense for a single format to include MPEG, QTEM, and AVI; the claim should presumably read "the format comprising one of MPEG, QTEM, and AVI," and is taken as doing so for examination purposes. Appropriate correction is required.

Claims 43-66 are objected to because of the following informalities: In the fourth line of claim 43, "image" should be "the image". Appropriate correction is required.

Claim 45 is objected to because of the following informalities: The reference to "the search" lacks antecedent basis if claim 45 depends on claim 43. Claim 45 should presumably depend on claim 44, and is treated for examination purposes as so doing. Appropriate correction is required.

Claim 47 is objected to because of the following informalities: In the first line of claim 47, "available product includes" should be " available products include". In the second line of claim 47, "stationary" should be "stationery". ("Stationary" means not moving; "stationery" means letter paper, envelopes, writing implements, etc.) Appropriate correction is required.

Claim 49 is objected to because of the following informalities: In the first line of claim 49, the comma after "selected product" is extraneous, and should be deleted. Appropriate correction is required.

Claim 52 is objected to because of the following informalities: The reference to "the selection of subscription" lacks antecedent basis if claim 52 depends on claim 49. Claim 52 should presumably depend on claim 50, and is treated for examination purposes as so doing. Appropriate correction is required.

Claim 53 objected to because of the following informalities: The claim should apparently read not that "an option" includes send print, purchase and add to virtual shopping cart, but that options include these various choices. Appropriate correction is required.

Claim 63 is objected to because of the following informalities: The reference to "the relational database" lacks antecedent basis if claim 52 depends on claim 49. As a

single other data type apparently cannot be video, sound, and graphic, claim 63 should presumably recite something like "the other data type including at least one of video, sound, and graphic". Appropriate correction is required.

Claim 64 is objected to because of the following informalities: It does not appear to make sense for a single format to include JPEG, GIF, and PIC; the claim should presumably read "the format comprising one of JPEG, GIF, and PIC," and is taken as doing so for examination purposes. Appropriate correction is required.

Claim 65 is objected to because of the following informalities: It does not appear to make sense for a single format to include MPEG, QTEM, and AVI; the claim should presumably read "the format comprising one of MPEG, QTEM, and AVI," and is taken as doing so for examination purposes. Appropriate correction is required.

Claim 67 is objected to because of the following informalities: The method of claim 67 comprises steps (a), (b), and (d), but no (c). It would be preferable to avoid confusion by not skipping any letters. Appropriate correction is required.

Claim 68 is objected to because of the following informalities: In the second line of claim 68, "comprising" should be followed by a colon. Appropriate correction is required.

Claim 70 is objected to because of the following informalities: It does not appear to make sense for a single format to include WAV and MP3; the claim should presumably read "the format comprising one of WAV and MP3," and is taken as doing so for examination purposes. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-25

Claims 1, 2, 11, 14, 16, 18, 23, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. (U.S. Patent 6,058,417). As per claim 1, Hess discloses a method for enabling a product associated with an image to be provided to a user, comprising: (a) employing the context of an interaction to determine the image to be displayed, the image being displayed and associated with information indicating each product that is available for use with the image (column 2, lines 10-30; column 3, lines 12-36; Figures 9A, 9B, and 10); (b) automatically employing the information associated with the image to generate a representation of each product that is available for use with the image (column 2, lines 10-30; column 3, lines 12-36; Figures 9A, 9B, and 10); and (c) automatically displaying the image and the representation of each product that is available for use with the image in a page (column 2, lines 10-30; column 3, lines 12-36; Figures 9A, 9B, and 10). Hess does not expressly disclose (d) when the representation of an available product is selected, enabling the available product for use with the image to be provided, but since Hess's patent is in the field of online trading, and presenting images of products for sale (Abstract), it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention

to enable the available product for use with the image to be provided when the representation of an available product is selected, for the obvious advantage of allowing buyers to obtain the advertised items, and sellers to receive payment for them without being guilty of fraud.

As per claim 2, Hess discloses that the image is stored in a database (column 2, lines 65-67; column 5, lines 25-45).

As per claim 11, Hess discloses that the information associated with the image includes image related data (Figures 9A and 9B).

As per claim 14, Hess discloses that the information associated with the image identifies a type of available product for the image (Figures 9A and 9B).

As per claim 16, Hess discloses that the page is an HTML page (column 4, lines 6-27; column 5, lines 4-24; column 6, lines 46-55; column 8, line 61, through column 9, line 45).

As per claim 18, Hess discloses that the image can be a cut-down version having a size that is less than a full size of an original version of the image (column 3, lines 18-36).

As per claims 23 and 24, Hess discloses an agent program that automatically employs contextual interaction information to determine the image to be displayed, and performs a search of at least one database to determine the image to be displayed (column 2, lines 10-21; column 3, lines 12-63; column 5, lines 10-60).

As per claim 25, Hess discloses a computer readable medium having computer executable instructions for performing essentially the method of claim 1 (column 3, lines 37-63).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al as applied to claim 2 above, and further in view of Czyszczewski et al. (U.S. Patent 6,624,909). As per claim 3, Hess discloses that the image is formatted and stored in the database as a picture, the format including one of JPEG, GIF, and TIFF (column 8, lines 34-59). Hess does not expressly disclose storing an image in PIC format, but Czyszczewski teaches that PIC is a graphics format known in the art (column 10, lines 45-53). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the format to be in PIC, for the obvious advantage of formatting the image using a known, readily available format.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. as applied to claim 2 above, and further in view of Leason et al. (U.S. Patent 5,898,594), Lin (U.S. Patent 6,369,835), and the Microsoft Press Computer Dictionary. Hess does not disclose that the image is formatted and stored in the database as a movie, but Leason discloses storing images pertaining to items for sale as movies (Abstract; column 2, lines 32-47). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store the image in the database as a movie, for the obvious advantage of attracting customers by providing a fuller experience, involving moving pictures and/or sound.

Leason does not teach that the format of the movie is one of MPEG, QTM, and AVI, but the Microsoft Press Computer Dictionary teaches that AVI and MPEG are standard formats for audio/video files (pages 38 and 317), and Lin teaches that AVI and QTM are standard formats (column 2, lines 29-47). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to format the movie in one of MPEG, QTM, and AVI, for the obvious advantage of formatting the movie using a known, readily available format.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. as applied to claim 2 above, and further in view of the Microsoft Press Computer Dictionary. As per claim 5, Hess does not disclose that the database is a relational database, but relational databases are well known, as taught by the Microsoft Press Computer Dictionary (pages 403-404). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the database be a relational database, for the stated advantage of being able to readily generate tables combining information from several previously existing tables.

As per claim 6, Hess does not disclose that the database is an object oriented database, but object oriented databases are well known, as taught by the Microsoft Press Computer Dictionary (page 338). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the database be an object oriented database, for the stated advantage of being able to conveniently store a wide variety of data, such as sound, video, and graphics, in addition to text and numbers.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. as applied to claim 1 above, and further in view of official notice. Hess does not expressly disclose that the information associated with the image is stored in a file that includes image data, but official notice is taken that it is well known to store associated data items together. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the information associated with the image be stored in a file that includes image data, for the obvious advantage of having all the information quickly and conveniently accessible.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hess and official notice as applied to claim 7 above, and further in view of "Digital Imaging Tools from IronMike Software: 300 Installed at 50 Sites" (hereinafter "Digital Imaging Tools"). Hess does not disclose employing a facility to create an IPTC format for associated information that is included in the file that includes image data, but "Digital Imaging Tools" teaches the use of IPTC format. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to employ a facility to create an IPTC format for associated information that is included in the file that includes image data, for the obvious advantage of having the image data in a standard, widely used format.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. as applied to claim 2 above, and further in view of the Microsoft Press Computer Dictionary. As per claim 9, Hess does not disclose that the information associated with the image is stored in the database separate from a file that includes

image data, but the Microsoft Press Computer Dictionary teaches that it is well known to store related information in different tables or files (definition of relational database, pages 403-404). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store the image be stored in the database separate from a file including image data, for the obvious advantages of avoiding the need to put all information in one unwieldy file, and of modifying one file upon receiving new information without having to access and change another file.

As per claim 10, Hess does not disclose associating an SQL attribute with the image, the SQL attribute corresponding to a script that enables a functionality for the image, but the Microsoft Press Computer Dictionary teaches that SQL is the de facto standard for relational databases (definition of structured query language, page 451), and the use of SQL is held to imply the use of appropriate attributes. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to associate an SQL attribute with the image for the obvious advantage of using a standard, widely available language for database products.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. as applied to claim 11 above, and further in view of Balogh et al. (U.S. Patent 5,493,677), the anonymous article "Image Databases," and official notice. Hess does not disclose that the image related data is tag data that includes title, location, date, original author, model release, subject matter information and name of a subject in the image, but Balogh teaches that image related data includes tag data including original author (photographer) and subject matter information (Figure 2), and official notice is

taken that it is well known for images to be identified by title, location, date, and/or name of a subject in the image. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the tag data to include title, location, date, original author, subject matter information and name of a subject in the image, for the obvious advantage of assisting customers in finding desired images.

Hess does not disclose that the image related data includes model release, but "Image Databases" teaches image-related data including model releases (see especially the second-last paragraph). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the image related data to include model release, for the obvious advantage of assuring potential customers that they could use the image without legal liability for unauthorized use of models' pictures.

Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. as applied to claim 11 above, and further in view of Balogh et al. (U.S. Patent 5,493,677), Garfinkle et al. (U.S. Patent 6,017,157), and official notice. Hess does not disclose that the image related data is business data that includes source, contract, batch, royalty, territory, and contract expiration, but Balogh teaches displaying license terms for selected images, including pricing information (Abstract; column 3, lines 1-43), implying royalty and contract information, and business data including source (Figure 2). Official notice is taken that contracts concerning the licensing of images or other intellectual property frequently include the territory for which the contracts are to apply,

and their expiration dates. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the image related data include source, contract, royalty, territory, and contract expiration, for the obvious advantage enabling the customer and seller to reach an agreement on the use of the image.

Hess does not disclose that the business data includes batch data, but Garfinkle teaches that image data includes batch data (column 4, lines 6-20). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the image related data include batch data, for the obvious advantages of assisting users in locating images of interest, including other images related to a first image found to be of interest.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. as applied to claim 1 above, and further in view of Leason et al. (U.S. Patent 5898,594). Hess discloses that that the representation of each available product includes types of representation, including picture, graphical image, graphical icon, and text (Figures 9A and 9B). Hess does not disclose video, but Leason teaches the use of movie trailers or clips, i.e., video, to represent items for sale (Abstract; column 2, lines 32-47). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the representation of available products include video, for the obvious advantage of representing products such as movies which can best be demonstrated by video clips.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. as applied to claim 1 above, and further in view of Balogh et al. (U.S. Patent 5,493,677). Hess discloses employing a combination of user information, image information, and product information to determine the display of the image and the product (column 2, lines 10-30; column 3, lines 12-36; column 8, line 61, through column 9, line 20; Figure 8). Hess does not disclose employing contextual information for this purpose, but Balogh teaches employing contextual information to determine what images to display (column 5, lines 12-26; column 8, lines 48-58; column 13, lines 17-42). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to employ contextual information to determine the display of the image and the product, for the obvious advantage of displaying images in accordance with what customers are likely to want to buy.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. as applied to claim 1 above, and further in view of Wu et al. (U.S. Patent 6,285,775). Hess does not disclose including a non-visible watermark in the image, but Wu teaches that including non-visible watermarks that may be extracted by a computer in images is well known (column 1, line 57, through column 2, line 5). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to (a) include a non-visible watermark in the image, and (b) enable the non-visible watermark in the image to be identified with an application program, for

the obvious and well-known advantage of detecting where the image was taken from by an identifying watermark.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. as applied to claim 1 above, and further in view of Braudaway et al. (U.S. Patent 5,530,759). Hess does not disclose including a visible watermark in the image, but Braudaway teaches including a visible watermark in an image (Abstract). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to include a visible watermark in the image, for the stated advantages of discouraging unauthorized use of the image.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. as applied to claim 1 above, and further in view of Leason et al. (U.S. Patent 5,898,594) and official notice. As per claim 21, Hess does not disclose associating another type of data with image data, the other type of data including video, sound, and graphic, but Leason teaches storing movie trailers or clips, including video data, associated with images (Abstract; column 2, lines 32-47); video data comprises graphic data. Leason does not expressly teach that the data includes sound, but official notice is taken that it is well known for movies, including movie trailers or clips to include sound. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to associate another type of data with image data, the other type of data including video, sound, and graphic, for the obvious advantage of attracting customers by providing a fuller experience, involving moving pictures and/or sound.

As per claim 22, neither Hess nor Leason expressly discloses that the sound has a format, including at least one of WAV and MP3, but sound recorded as data must inherently have some format, and official notice is taken that WAV and MP3 are well known audio formats. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the sound format to be one of WAV or MP3, for the obvious advantage of formatting the sound using a known, readily available format, which many potential customers would be able to use for listening.

Claims 1-25 (second ground for rejection)

Claims 1, 2, 11, 14, 16, 17, 18, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. (U.S. Patent 6,493,677). As per claim 1, von Rosen discloses a method for enabling a product associated with an image to be provided to a user, comprising: (a) employing the context of an interaction to determine the image to be displayed, the image being displayed and being associated with information indicating a product that is available for use with the image (Abstract; column 6, lines 42-68; column 9, line 65, through column 10, line 9; Figure 6; Figure 8A; Figure 12); (b) automatically employing the information associated with the image to generate a representation of a product that is available for use with the image (column 5, lines 10-54; column 9, line 65, through column 10, line 9; Figure 8A; Figures 9A and 9B); (c) automatically displaying the image and the representation of at least one product that is available for the image in a page (column 5, lines 36-54; column 9, line 65, through column 10, line 9; Figure 8A; Figures 9A and 9B); and (d) when the

representation of an available product is selected, enabling the available product for the image to be provided (column 11, lines 13-33; column 12, lines 14-52). Von Rosen does not expressly disclose automatically displaying representations of each of a plurality of products that are available for the image in a page, but even if the claim language is read to specify this, von Rosen discloses creating a variety of customized products "such as t-shirts, cups, billboards, etc." (column 5, lines 51-53). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to display representations of each of a plurality of products that are available for the image in a page, for the obvious advantage of enabling a customer to select a desired product of the plurality of available products.

As per claim 2, von Rosen discloses storing images in a database (column 6, lines 51-55.

As per claim 11, von Rosen discloses associating information with the image, including image related data (column 2, lines 40-48).

As per claim 14, von Rosen discloses that the information associated with the image identifies a type of available product for the image (column 5, lines 10-35; column 8, line 61, through column 9, line 18; column 9, line 65, through column 10, line 18).

As per claim 16, von Rosen does not expressly disclose that the page is an HTML page, but does disclose that the use of HTML is well known (column 4, lines 18-45). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the page to be an HTML page, for the

obvious advantage of making information available in a format that large numbers of potential users would have been able to access.

As per claim 17, von Rosen discloses employing a combination of user information, product information, image information, and contextual information to determine the display of the image (column 6, line 43, through column 8, line 45; column 8, line 61, through column 10, line 42).

As per claim 18, von Rosen discloses that the image is a cut-down version having a size that is less than a full size of an original version of the image (column 10, lines 19-42).

As per claim 23, von Rosen discloses an agent program that automatically employs contextual interaction information to determine the image to be displayed (column 6, lines 23-42; Abstract; column 6, lines 42-68; column 9, line 65, through column 10, line 9; Figure 6; Figure 8A; Figure 12).

As per claim 25, von Rosen discloses a computer readable medium having computer-executable instructions for performing his method (column 3, lines 7-11; column 6, lines 23-42).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen as applied to claim 1 above, and further in view of the Microsoft Press Computer Dictionary and Czyszczewski et al. (U.S. Patent 6,624,909). Von Rosen discloses images being stored in databases, from which it is inherent that the images must be stored in some format. Von Rosen does not expressly disclose that the format is one of JPEG, GIF, TIFF, and PIC, but the Microsoft Press Computer Dictionary teaches that

JPEG, GIF, and TIFF are standard formats (definitions on pages 270, 217, and 468, respectively), and Czyszczewski teaches that PIC is a graphics format known in the art (column 10, lines 45-53). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the format to be one of JPEG, GIF, TIFF, and PIC, for the obvious advantage of formatting the image using a known, readily available format.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen as applied to claim 2 above, and further in view of Leason et al. (U.S. Patent 5,898,594), Lin (U.S. Patent 6,369,835), and the Microsoft Press Computer Dictionary. Von Rosen does not disclose that the image is formatted and stored in the database as a movie, but Leason discloses storing images pertaining to items for sale as movies (Abstract; column 2, lines 32-47). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store the image in the database as a movie, for the obvious advantage of attracting customers by providing a fuller experience, involving moving pictures and/or sound.

Leason does not teach that the format of the movie is one of MPEG, QTM, and AVI, but the Microsoft Press Computer Dictionary teaches that AVI and MPEG are standard formats for audio/video files (pages 38 and 317), and Lin teaches that AVI and QTM are standard formats (column 2, lines 29-47). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to format the movie in one of MPEG, QTM, and AVI, for the obvious advantage of formatting the movie using a known, readily available format.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. as applied to claim 2 above, and further in view of the Microsoft Press Computer Dictionary. As per claim 5, von Rosen does not disclose that the database is a relational database, but relational databases are well known, as taught by the Microsoft Press Computer Dictionary (pages 403-404). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the database be a relational database, for the stated advantage of being able to readily generate tables combining information from several previously existing tables.

As per claim 6, von Rosen does not disclose that the database is an object oriented database, but object oriented databases are well known, as taught by the Microsoft Press Computer Dictionary (page 338). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the database be an object oriented database, for the stated advantage of being able to conveniently store a wide variety of data, such as sound, video, and graphics, in addition to text and numbers.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. as applied to claim 1 above, and further in view of official notice. Von Rosen does not expressly disclose that the information associated with the image is stored in a file that includes image data, but official notice is taken that it is well known to store associated data items together. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to

have the information associated with the image be stored in a file that includes image data, for the obvious advantage of having all the information quickly and conveniently accessible.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen and official notice as applied to claim 7 above, and further in view of "Digital Imaging Tools from IronMike Software: 300 Installed at 50 Sites" (hereinafter "Digital Imaging Tools"). Von Rosen does not disclose employing a facility to create an IPTC format for associated information that is included in the file that includes image data, but "Digital Imaging Tools" teaches the use of IPTC format. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to employ a facility to create an IPTC format for associated information that is included in the file that includes image data, for the obvious advantage of having the image data in a standard, widely used format.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. as applied to claim 2 above, and further in view of the Microsoft Press Computer Dictionary. As per claim 9, von Rosen does not disclose that the information associated with the image is stored in the database separate from a file that includes image data, but the Microsoft Press Computer Dictionary teaches that it is well known to store related information in different tables or files (definition of relational database, pages 403-404). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store the image be stored in the database separate from a file including image data, for the obvious advantages of

avoiding the need to put all information in one unwieldy file, and of modifying one file upon receiving new information without having to access and change another file.

As per claim 10, von Rosen does not disclose associating an SQL attribute with the image, the SQL attribute corresponding to a script that enables a functionality for the image, but the Microsoft Press Computer Dictionary teaches that SQL is the de facto standard for relational databases (definition of structured query language, page 451), and the use of SQL is held to imply the use of appropriate attributes. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to associate an SQL attribute with the image for the obvious advantage of using a standard, widely available language for database products.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. as applied to claim 11 above, and further in view of Balogh et al. (U.S. Patent 5,493,677), the anonymous article "Image Databases," and official notice. Von Rosen does not disclose that the image related data is tag data that includes title, location, date, original author, model release, subject matter information and name of a subject in the image, but Balogh teaches that image related data includes tag data including original author (photographer) and subject matter information (Figure 2), and official notice is taken that it is well known for images to be identified by title, location, date, and/or name of a subject in the image. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the tag data to include title, location, date, original author, subject matter information

and name of a subject in the image, for the obvious advantage of assisting customers in finding desired images.

Von Rosen does not disclose that the image related data includes model release, but "Image Databases" teaches image-related data including model releases (see especially the second-last paragraph). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the image related data to include model release, for the obvious advantage of assuring potential customers that they could use the image without legal liability for unauthorized use of models' pictures.

Claim 13 rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. as applied to claim 11 above, and further in view of Balogh et al. (U.S. Patent 5,493,677), Garfinkle et al. (U.S. Patent 6,017,157), and official notice. Von Rosen does not disclose that the image related data is business data that includes source, contract, batch, royalty, territory, and contract expiration, but Balogh teaches displaying license terms for selected images, including pricing information (Abstract; column 3, lines 1-43), implying royalty and contract information, and business data including source (Figure 2). Official notice is taken that contracts concerning the licensing of images or other intellectual property frequently include the territory for which the contracts are to apply, and their expiration dates. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the image related data include source, contract, royalty, territory, and contract

expiration, for the obvious advantage enabling the customer and seller to reach an agreement on the use of the image.

Von Rosen does not disclose that the business data includes batch data, but Garfinkle teaches that image data includes batch data (column 4, lines 6-20). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the image related data include batch data, for the obvious advantages of assisting users in locating images of interest, including other images related to a first image found to be of interest.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. as applied to claim 1 above, and further in view of official notice. Von Rosen does not disclose the representation of each available product includes different types of representation, including picture, video, graphical image, graphical icon, and text, although von Rosen discloses the representation including a picture/graphical image (Figure 6 column 9, line 65, through column 10, line 9). However, official notice is taken that it is well known to represent products for sale with video, graphical icons, and text as well. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the representation of each available product to include video, graphical icons, and text, for the obvious advantage of presenting the products in ways likely to attract customers.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. as applied to claim 1 above, and further in view of Wu et al. (U.S. Patent 6,285,775). Von Rosen does not disclose including a non-visible watermark in the

image, but Wu teaches that including non-visible watermarks that may be extracted by a computer in images is well known (column 1, line 57, through column 2, line 5). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to (a) include a non-visible watermark in the image, and (b) enable the non-visible watermark in the image to be identified with an application program, for the obvious and well-known advantage of detecting where the image was taken from by an identifying watermark.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. as applied to claim 1 above, and further in view of Braudaway et al. (U.S. Patent 5,530,759). Von Rosen does not disclose including a visible watermark in the image, but Braudaway teaches including a visible watermark in an image (Abstract). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to include a visible watermark in the image, for the stated advantages of discouraging unauthorized use of the image.

Claim 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen as applied to claim 1 above, and further in view of official notice. As per claim 21, Von Rosen discloses associating another type of data with the product, the other type of data including graphic (e.g., Abstract). Von Rosen does not disclose sound or video (at least in the sense of moving pictures), but official notice is taken that displaying video and sound is well known. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to associate video and/or sound data with the product for the obvious advantage of

attracting customers by providing a fuller experience, involving moving pictures and/or sound.

As per claim 22, von Rosen does not disclose the sound having a format, including one of WAV and MP3, but sound recorded as data must inherently have some format, and official notice is taken that WAV and MP3 are well known audio formats. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the sound format to be one of WAV or MP3, for the obvious advantage of formatting the sound using a known, readily available format, which many potential customers would be able to use for listening.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen as applied to claim 329 above, and further in view of official notice. Von Rosen does not disclose that the agent performs a search of at least one database on a network to determine the image to be displayed, but does disclose at least one database of images (column 6, lines 51-55; Figure 3). Official notice is taken that it is well known to have agent programs perform searches of databases on a network. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the agent program perform a search of at least one database on a network to determine the image to be displayed, for the obvious advantages of automatically bringing up an image previously stored by a customer, or finding an appropriate image matching entered criteria.

Claim 26

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. (U.S. Patent 6,058,417). Hess discloses a system for enabling a product associated with an image to be provided to a user, the system comprising: (a) a server for implementing logical actions (e.g., column 4, lines 6-27), including: (i) in response to receiving contextual interaction information from a client, providing the image to the client, wherein the image is associated with information indicating each product that is available for use with the image (column 2, lines 10-30; column 3, lines 12-36; Figures 9A, 9B, and 10). Hess does not expressly disclose in response to a request to provide a product that is available for use with the image, enabling the product to be provided, but since Hess's patent is in the field of online trading, and presenting images of products for sale (Abstract), it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to enable the product to be provided in response to a request, for the obvious advantage of allowing buyers to obtain the advertised items, and sellers to receive payment for them without being guilty of fraud.

Hess discloses (b) the client for implementing logical actions (e.g., column 4, lines 6-27), including: (i) providing the contextual interaction information to the server (column 2, lines 10-30); (ii) when the image is received from the server, automatically employing the information associated with the image to generate a representation of each product that is available for use with the image (column 2, lines 10-30; column 3, lines 12-36; Figures 9A, 9B, and 10); (iii) automatically displaying the image and the representation of each product that is available for use with the image in a page

(column 2, lines 10-30; column 3, lines 12-36; Figures 9A, 9B, and 10). Hess does not expressly disclose when the representation of an available product is selected, enabling the available product for use with the image to be provided, but since Hess's patent is in the field of online trading, and presenting images of products for sale (Abstract), it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to enable the product to be provided in response to selection of a representation of the product, for the obvious advantage of allowing buyers to obtain the advertised items, and sellers to receive payment for them without being guilty of fraud.

Claim 26 (second ground for rejection)

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. (U.S. Patent 6,493,677). Von Rosen discloses a system for enabling a product associated with an image to be provided to a user, comprising: (a) a server for implementing logical actions (Abstract; column 4, line 46, through column 5, line 35), including: (i) in response to receiving contextual interaction information from a client, providing the image to the client, the image being associated with information that indicates a product that is available for use with the image (column 7, lines 20-61; column 8, lines 15-45; Figures 6, 8A, and 9A); (ii) in response to a request to provide a product that is available for use with the image, enabling the product to be provided (column 12, lines 5-52); and (b) the client for implementing logical actions (column 4, line 62, through column 5, line 35), including: (i) providing the contextual interaction information to the server (column 7, line 20, through column 8, line 45); (ii) when the

image is received from the server, (ii) automatically employing the information associated with the image to generate a representation of a product that is available for the image (column 5, lines 10-54; column 9, line 65, through column 10, line 9; Figure 8A; Figures 9A and 9B); (iii) automatically displaying the image and the representation of a product that is available for the image in a page (column 5, lines 36-54; column 9, line 65, through column 10, line 9; Figure 8A; Figures 9A and 9B); and (iv) when the representation of an available product is selected in the displayed page, enabling the available product for the image to be provided (column 11, lines 13-33; column 12, lines 14-52). Von Rosen does not expressly disclose automatically displaying representations of each of a plurality of products that are available for the image in a page, but even if the claim language is read to specify this, von Rosen discloses creating a variety of customized products "such as t-shirts, cups, billboards, etc." (column 5, lines 51-53). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to display representations of each of a plurality of products that are available for the image in a page, for the obvious advantage of enabling a customer to select a desired product of the plurality of available products.

Claims 27-42

Claims 27, 28, 31, 32, 33, 36, 39, 41, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. (U.S. Patent 6,493,677). As per claim 27, von Rosen discloses a method for enabling a product associated with an image to be provided to a user, comprising: (a) employing the context of an interaction to determine

a representation of the product to be displayed, the representation of the product being displayed and being associated with information indicating each image that is available for use with the product (Abstract; column 6, lines 42-68; column 9, line 65, through column 10, line 9; Figure 6; Figure 8A; Figure 12); (b) automatically employing the information associated with the product to display at least one image that is available with the product (Abstract; column 2, lines 23-39; Figure 9A); (c) automatically displaying the image and the representation of at least one product that is available for the image in a page (column 5, lines 36-54; column 9, line 65, through column 10, line 9; Figure 8A; Figures 9A and 9B); and (d) when the representation of an available product is selected, enabling the available product for the image to be provided (column 11, lines 13-33; column 12, lines 14-52). Von Rosen does not expressly disclose automatically displaying representations of each of a plurality of products that are available for the image in a page, but even if the claim language is read to specify this, von Rosen discloses creating a variety of customized products "such as t-shirts, cups, billboards, etc." (column 5, lines 51-53). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to display representations of each of a plurality of products that are available for the image in a page, for the obvious advantage of enabling a customer to select a desired product of the plurality of available products.

As per claim 28, von Rosen discloses that the image is stored in a database (column 6, lines 43-68).

As per claim 31, von Rosen discloses employing a combination of user information, product information, image information, and contextual information to determine the display of the image (column 6, line 43, through column 8, line 45; column 8, line 61, through column 10, line 42).

As per claim 32, von Rosen discloses that information associated with the product includes properties and options (column 10, lines 10-18).

As per claim 33, von Rosen discloses associating information with the image, including image related data (column 2, lines 40-48).

As per claim 36, von Rosen discloses information associated with images identifying a type of available product for the image (column 8, line 61, through column 9, line 18).

As per claim 39, von Rosen discloses an agent program that automatically employs contextual interaction information to determine the image to be displayed (column 6, lines 23-42; Abstract; column 6, lines 42-68; column 9, line 65, through column 10, line 9; Figure 6; Figure 8A; Figure 12).

As per claim 41, von Rosen discloses a computer readable medium having computer-executable instructions for performing his method (column 3, lines 7-11; column 6, lines 23-42).

As per claim 42, von Rosen discloses a client-server based system for implementing the actions in his method (Abstract; column 4, line 46, through column 5, line 35).

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen as applied to claim 28 above, and further in view of the Microsoft Press Computer Dictionary and Czyszczewski et al. (U.S. Patent 6,624,909). Von Rosen discloses images being stored in databases, from which it is inherent that the images must be stored in some format. Von Rosen does not expressly disclose that the format is one of JPEG, GIF, TIFF, and PIC, but the Microsoft Press Computer Dictionary teaches that JPEG, GIF, and TIFF are standard formats (definitions on pages 270, 217, and 468, respectively), and Czyszczewski teaches that PIC is a graphics format known in the art (column 10, lines 45-53). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the format to be one of JPEG, GIF, TIFF, and PIC, for the obvious advantage of formatting the image using a known, readily available format.

Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen as applied to claim 28 above, and further in view of Leason et al. (U.S. Patent 5,898,594), Lin (U.S. Patent 6,369,835), and the Microsoft Press Computer Dictionary. Hess does not disclose that the image is formatted and stored in the database as a movie, but Leason discloses storing images pertaining to items for sale as movies (Abstract; column 2, lines 32-47). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store the image in the database as a movie, for the obvious advantage of attracting customers by providing a fuller experience, involving moving pictures and/or sound.

Leason does not teach that the format of the movie is one of MPEG, QTM, and AVI, but the Microsoft Press Computer Dictionary teaches that AVI and MPEG are standard formats for audio/video files (pages 38 and 317), and Lin teaches that AVI and QTM are standard formats (column 2, lines 29-47). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to format the movie in one of MPEG, QTM, and AVI, for the obvious advantage of formatting the movie using a known, readily available format.

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. as applied to claim 33 above, and further in view of Balogh et al. (U.S. Patent 5,493,677), the anonymous article "Image Databases," and official notice. Von Rosen does not disclose that the image related data is tag data that includes title, location, date, original author, model release, subject matter information and name of a subject in the image, but Balogh teaches that image related data includes tag data including original author (photographer) and subject matter information (Figure 2), and official notice is taken that it is well known for images to be identified by title, location, date, and/or name of a subject in the image. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the tag data to include title, location, date, original author, subject matter information and name of a subject in the image, for the obvious advantage of assisting customers in finding desired images.

Von Rosen does not disclose that the image related data includes model release, but "Image Databases" teaches image-related data including model releases (see

especially the second-last paragraph). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the image related data to include model release, for the obvious advantage of assuring potential customers that they could use the image without legal liability for unauthorized use of models' pictures.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. as applied to claim 33 above, and further in view of Balogh et al. (U.S. Patent 5,493,677), Garfinkle et al. (U.S. Patent 6,017,157), and official notice. Von Rosen does not disclose that the image related data is business data that includes source, contract, royalty, territory, contract expiration, and batch, but Balogh teaches displaying license terms for selected images, including pricing information (Abstract; column 3, lines 1-43), implying royalty and contract information, and business data including source (Figure 2). Official notice is taken that contracts concerning the licensing of images or other intellectual property frequently include the territory for which the contracts are to apply, and their expiration dates. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the image related data include source, contract, royalty, territory, and contract expiration, for the obvious advantage enabling the consumer and image provider to reach an agreement on the use of the image.

Von Rosen does not disclose that the business data includes batch data, but Garfinkle teaches that image data includes batch data (column 4, lines 6-20). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the

time of applicant's invention to have the image related data include batch data, for the obvious advantages of assisting users in locating images of interest, including other images related to a first image found to be of interest.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. as applied to claim 33 above, and further in view of official notice. Von Rosen does not disclose the representation of each available product includes different types of representation, including picture, video, graphical image, graphical icon, and text, although von Rosen discloses the representation including a picture/graphical image (Figure 6 column 9, line 65, through column 10, line 9). However, official notice is taken that it is well known to represent products for sale with video, graphical icons, and text as well. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the representation of each available product to include video, graphical icons, and text, for the obvious advantage of presenting the products in ways likely to attract customers.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen as applied to claim 27 above, and further in view of official notice. Von Rosen discloses associating another type of data with the product, the other type of data including graphic (e.g., Abstract). Von Rosen does not disclose sound or video (at least in the sense of moving pictures), but official notice is taken that displaying video and sound is well known. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to associate video and/or

sound data with the product for the obvious advantage of attracting customers by providing a fuller experience, involving moving pictures and/or sound.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen as applied to claim 39 above, and further in view of official notice. Von Rosen does not disclose that the agent performs a search of at least one database on a network to determine the image to be displayed, but does disclose at least one database of images (column 6, lines 51-55; Figure 3). Official notice is taken that it is well known to have agent programs perform searches of databases on a network. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the agent program perform a search of at least one database on a network to determine the image to be displayed, for the obvious advantages of automatically bringing up an image previously stored by a customer, or finding an appropriate image matching entered criteria.

Claims 43-58 and 63-66

Claims 43, 46, 48, 49, 51, 53, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. (U.S. Patent 6,493,677). As per claim 43, von Rosen discloses a method for enabling a product associated with an image to be ordered over a network, comprising: (a) displaying the image in response to receiving to receiving contextual interaction information, the image being associated with information indicating a product that is available for the image (Abstract; column 6, lines 42-68; column 9, line 65, through column 10, line 9; Figure 6; Figure 8A; Figure 12); (b) in

response to selecting the displayed image, automatically employing the information associated with the image to generate a representation of an available product for the image (column 2, lines 23-39; column 9, line 65, through column 10, line 9; Figure 8A; Figures 9A and 9B); (c) automatically displaying the image and the representation of at least one product that is available for the image in a page (column 5, lines 36-54; column 9, line 65, through column 10, line 9; Figure 8A; Figures 9A and 9B); and (d) when the representation of an available product is selected in the page, enabling the available product for the image to be ordered by a user (column 11, lines 13-33; column 12, lines 14-52). Von Rosen does not expressly disclose the image being associated with information indicating each of a plurality of products available for the image, but even if the claim language is read to specify this, von Rosen discloses creating a variety of customized products "such as t-shirts, cups, billboards, etc." (column 5, lines 51-53). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the image be associated with information indicating each of a plurality of products available for the image, for the obvious advantage of enabling a customer to select a desired product of the plurality of available products.

As per claim 46, claim 46 appears to recite essentially what is already recited by claim 43 (steps b and c); claim 46 is therefore rejected on the grounds set forth above.

As per claim 48, von Rosen does not expressly disclose in response to a selection of the representation of the available product for the selected image, displaying a create page that includes a representation for each option associated with

the selected product for the selected image, but von Rosen does disclose a page enabling the customer to select options associated with the selected product for the selected image (column 10, lines 10-18); hence, it would have been obvious to have the page include a representation for each option associated with the selected product, for the obvious advantage of determining how each option should be set to please the customer.

As per claim 49, von Rosen discloses that an option for the selected product includes at least one template (column 8, lines 29-45).

As per claim 51, von Rosen does not expressly disclose in response to a selection of the representation of an option associated with the selected product, displaying a transaction page that includes each option for a transaction to order the selected product, but does disclose enabling a customer to select the representation of an option associated with the selected product (column 10, lines 10-18), and in response displaying transaction pages that include various options for a transaction to order the selected product, and perhaps each option (Figures 10A, 10B, 11A, 11B; column 10, line 16, through column 11, line 4). Hence, it would have been obvious in response to a selection of the representation of an option associated with the selected product, to display a transaction page that included each option for a transaction to order the selected product, for the stated advantage of enabling the customer to correct any incorrect items, or to confirm the order for processing, and the obvious advantage of assuring that all options have been selected in accordance with the customer's wishes.

As per claim 53, von Rosen discloses that options for the transaction to obtain the selected product include send, print, and purchase (column 5, lines 10-63) and add to virtual shopping cart (column 7, lines 56-61).

As per claim 66, von Rosen discloses a computer readable medium having computer-executable instructions for performing his method (column 3, lines 7-11; column 6, lines 23-42).

Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. as applied to claim 43 above, and further in view of official notice. As per claim 44, von Rosen does not disclose entering a value for a search in a point of entry, the value being employed to search a database that includes a plurality of images, although von Rosen discloses a database of images (column 6, lines 43-62), but official notice is taken that it is well known enter a value for a search in a page, the value being employed to search a database. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the method comprise entering a value for a search in a point of entry page, the value being employed to search a database that includes a plurality of images, for the obvious advantage of helping the customer find an image pleasing to him, making him more likely to buy a product available for the image.

As per claim 45, von Rosen does not disclose displaying a result of the search in a result page, an affirmative result causing at least one image related to the search to be displayed in the result page, but official notice is taken that is well known to display search results in a result page, and for the results to include images. Hence, it would

have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to display a result of the search in a result page, an affirmative result causing at least one image related to the search to be displayed in the result page, for the obvious advantage of assisting the customer to view images meeting his search criteria, making him more likely to buy a product available for the image.

Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen as applied to claim 46 above, and further in view of Massarksy (U.S. Patent 6,141,482) and official notice. Von Rosen discloses that the available product can include a picture (on a soda bottle; see column 9, line 65, through column 10, line 9; Figures 6, 8A, and 9A), and that the available product can include a cup (column 5, lines 51-53). Von Rosen does not expressly disclose that the available product includes one of an electronic postcard, poster, screen saver, wallpaper, calendar, stationery, invitation, presentation, slideshow, or puzzle, but Massarksy teaches saving, accessing, and reprinting images of a user (Abstract) to any tangible object capable of retaining an image thereon, explicitly including screen savers, and listing various other products (column 6, lines 24-48). (Massarksy's inclusion of screen savers shows that "tangible" in his disclosure is not to be read too narrowly.) Official notice is taken that electronic postcards, posters, wallpaper (actual physical wallpaper or computer screen "wallpaper"), calendars, stationery, invitations, presentations, slideshows, and puzzles are known tangible objects capable of retaining an image thereon. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the available product to include one of an electronic

postcard, poster, screen saver, wallpaper, calendar, stationery, invitation, presentation, slideshow, or puzzle, for the obvious advantage of profiting from selling these various products.

Claim 50 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. as applied to claim 48 above, and further in view of official notice. As per claim 50, von Rosen does not disclose that the selected is a type of use for the selected product, the type of use including one of free and subscription (although the purchases disclosed by von Rosen in column 12, lines 5-52 are single). However, official notice is taken that it is well known for selected products to be made available free (for advertising, or as a sample to persuade users to buy more) and by subscription (e.g., magazines, software licenses, etc.), and also to enable users to select options (e.g., outright purchase or lease, subscription length, etc.). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have an option for the selected product be a type of use for the selected product, the type of use including one of single, free, and subscription, for the obvious advantage enabling customers to select the types of use most suitable to them, and thus the types of use that they would be most likely to pay for, or, in the case of free use, a type of use likely to lead to future purchases or other advantages to the seller.

As per claim 52, von Rosen does not disclose in response to the selection of subscription, displaying a subscription page that includes each option for selecting a subscription membership individual, business, institutional, and renewal, but official notice is taken that it is well known for subscription memberships to include various

types, such as individual, business, institutional, and renewal. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the method comprise, in response to the selection of subscription, displaying a subscription page that included each option for selecting a subscription membership including individual, business, institutional, and renewal, for the obvious advantage of selling appropriate subscription memberships, and collecting higher fees from those likely to be able and willing to pay more.

Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. as applied to claim 48 above, and further in view of official notice. Von Rosen does not disclose that each option associated with the available product is displayed on another page, but does disclose enabling a customer to select the representation of an option associated with the selected product (column 10, lines 10-18), and in response displaying transaction pages that include various options for a transaction to order the selected product, and perhaps each option (Figures 10A, 10B, 11A, 11B; column 10, line 16, through column 11, line 4). Official notice is taken that it is well known to display data on another page. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to display each option on another page, for the stated advantage of enabling the customer to correct any incorrect items, or to confirm the order for processing, and the obvious advantage of assuring that all options have been selected in accordance with the customer's wishes.

Claims 55, 56, 57, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. as applied to claim 43 above, and further in view of Sterling (U.S. Patent 6,466,975). As per claim 55, von Rosen does not disclose (a) generating behavior information and preferences in each session for each user; and (b) storing the behavior information and preferences in a profile, each profile being associated with a user. However, Sterling teaches (a) generating behavior information and preferences in each session for each user; and (b) storing the behavior information and preferences in a profile, each profile being associated with a user (column 2, line 15, through column 4, line 67; column 21, line 56, through column 24, line 58). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to generate behavior information and preferences in each session for each user, and store the behavior information and preferences in a profile, each profile being associated with a user, for the stated advantage of personalizing users' shopping experiences in accordance with their profiles, thus increasing the chance of making more and larger sales to users.

As per claim 56, von Rosen does not disclose employing the profile to customize the display of the image, a current user being associated with the profile, but von Rosen discloses customizing the display of the image (Abstract, and throughout the patent), and Sterling teaches employing the profile to customize the display to the customer (column 2, line 15, through column 4, line 67; column 21, line 56, through column 24, line 58). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to employ the profile to

customize the display of the image, a current user being associated with the profile, for the obvious advantage of presenting the user with a customized image, e.g., an image of the user already uploaded to the website, saving the user the trouble of uploading it again.

As per claim 57, von Rosen does not disclose employing the profile to customize the display of the available product, a current user being associated with the profile, but von Rosen discloses customizing the display of the available (especially column 9, line 65, through column 10, line 9), and Sterling teaches employing the profile to customize the display to the customer (column 2, line 15, through column 4, line 67; column 21, line 56, through column 24, line 58). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to employ the profile to customize the display of the available product, a current user being associated with the profile, for the obvious advantage of presenting the user with a customized display of the product, e.g., an image of the product according to a user's previous customization, saving the user the trouble of selecting the same image, text, flavor of soda, etc., again.

As per claim 58, von Rosen discloses assigning an apparently temporary identification (column 6, lines 43-68; column 11, line 43, through column 12, line 13).

Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. as applied to claim 43 above, and further in view of Leason et al. (U.S. Patent 5,898,594), the Microsoft Press Computer Dictionary, and official notice. Von Rosen does not disclose associating another data type with the image, the other data

type including video, sound, and graphic, but Leason teaches storing movie trailers or clips, including video data, associated with images (Abstract; column 2, lines 32-47); video data comprises graphic data. Leason does not expressly teach that the data includes sound, but official notice is taken that it is well known for movies, including movie trailers or clips to include sound. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to associate another type of data with image data, the other type of data including video, sound, and graphic, for the obvious advantage of attracting customers by providing a fuller experience, involving moving pictures and/or sound.

Von Rosen does not disclose that the image and other data are in a relational database, but relational databases are well known, as taught by the Microsoft Press Computer Dictionary (pages 403-404). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the database be a relational database, for the stated advantage of being able to readily generate tables combining information from several previously existing tables.

Claim 64 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen as applied to claim 43 above, and further in view of the Microsoft Press Computer Dictionary and Czyszczewski et al. (U.S. Patent 6,624,909). Von Rosen discloses images being stored in databases, from which it is inherent that the images must be stored in some format. Von Rosen does not expressly disclose that the format is one of JPEG, GIF, and PIC, but the Microsoft Press Computer Dictionary teaches that JPEG, and GIF, are standard formats (definitions on pages 270, 217, and 468,

respectively), and Czyszczewski teaches that PIC is a graphics format known in the art (column 10, lines 45-53). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the format to be one of JPEG, GIF, and PIC, for the obvious advantage of formatting the image using a known, readily available format.

Claim 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen as applied to claim 43 above, and further in view of Leason et al. (U.S. Patent 5,898,594), Lin (U.S. Patent 6,369,835), and the Microsoft Press Computer Dictionary. Hess does not disclose that the image is formatted and stored in the database as a movie, but Leason discloses storing images pertaining to items for sale as movies (Abstract; column 2, lines 32-47). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to store the image in the database as a movie, for the obvious advantage of attracting customers by providing a fuller experience, involving moving pictures and/or sound.

Leason does not teach that the format of the movie is one of MPEG, QTM, and AVI, but the Microsoft Press Computer Dictionary teaches that AVI and MPEG are standard formats for audio/video files (pages 38 and 317), and Lin teaches that AVI and QTM are standard formats (column 2, lines 29-47). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to format the movie in one of MPEG, QTM, and AVI, for the obvious advantage of formatting the movie using a known, readily available format.

Claim 67

Claim 67 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. (U.S. Patent 6,493,677) in view of official notice. Von Rosen discloses a method for enabling a product associated with an image to be ordered over a network, the method comprising: (a) displaying a representation of the product in response to receiving contextual interaction information, the product being associated with information indicating images that are available for use with the product (Abstract; column 6, lines 42-68; column 9, line 46, through column 10, line 9; Figure 6; Figure 8A; Figure 12); (b) in response to selecting the displayed representation of the product, automatically employing the information associated with the product to display at least a portion of the images available for use with the product (Abstract; column 2, lines 23-39; column 9, line 65, through column 10, line 9; Figure 8A; Figures 9A and 9B); and (d) when the image is selected, enabling the product available for use with the image to be ordered by the user (column 12, lines 5-52). Von Rosen does not expressly disclose that in step (a), the product is associated with information indicating each image that is available for use with the product, except in the sense that if the consumer has chosen to upload only one image, that may be the only available image, so information indicating that image is information each image available for use with the product. However, official notice is taken that it is well known to have information indicating each of a plurality of available choices. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the product associated with information indicating each image that is available for use with

the product, for the obvious advantage of increasing the chance that the consumer would find some image for which he wished to order a product.

Claim 68

Claim 68 is rejected under 35 U.S.C. 103(a) as being unpatentable over von Rosen et al. (U.S. Patent 6,493,677). Von Rosen discloses a system for placing an order for a product associated with an image over a network, the system comprising: (a) a server for implementing logical actions (Abstract; column 4, line 46, through column 5, line 35), including: (i) in response to receiving contextual interaction information from a client, providing the image to the client, the image being associated with information that indicates an available product for the image (column 7, lines 20-61; column 8, lines 15-45; Figures 6, 8A, and 9A); (ii) in response to a request to order the available product for the image, enabling the product to be provided (column 12, lines 5-52); and (b) the client for implementing logical actions (column 4, line 62, through column 5, line 35), including: (i) providing the contextual interaction information to the server (column 7, line 20, through column 8, line 45); (ii) in response to receiving the image, automatically employing the information associated with the image to generate a representation of a product that is available for the image (column 5, lines 10-54; column 9, line 65, through column 10, line 9; Figure 8A; Figures 9A and 9B); (iii) automatically displaying the image and the representation of a product that is available for the image in a page (column 5, lines 36-54; column 9, line 65, through column 10, line 9; Figure 8A; Figures 9A and 9B); and (iv) when the representation of an available product is selected in the displayed page, enabling the available product for the image to be ordered from the

server (column 11, lines 13-33; column 12, lines 14-52). Von Rosen does not expressly disclose automatically displaying representations of each of a plurality of products that are available for the image in a page, but even if the claim language is read to specify this, von Rosen discloses creating a variety of customized products "such as t-shirts, cups, billboards, etc." (column 5, lines 51-53). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to display representations of each of a plurality of products that are available for the image in a page, for the obvious advantage of enabling a customer to select a desired product of the plurality of available products.

Claim 69-73

Claims 69-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosken (U.S. Patent 6,438,579) in view of official notice. As per claim 69, Hosken discloses a method for enabling a product associated with a sound to be provided to a user, the method comprising: (a) in response to receiving contextual interaction information, displaying a representation of the sound (Abstract), the sound being associated with information indicating each product that is available for use with the sound (column 4, lines 12-28; column 5, lines 20-41); (b) automatically employing the information associated with the sound to generate a representation of each product that is available for the sound (column 4, lines 12-28; column 8, lines 53-65; column 13, lines 34-50; column 16, lines 45-49); and (d) enabling the available product for the sound to be provided to the user (Figure 1A; column 5, line 63, through column 6, line 5). Hosken does not expressly disclose (c) automatically displaying the representation

of each product that is available for the sound and representation of the sound in a page, or enabling the available product for the sound to be provided to the user when the representation of an available product is selected in the displayed page, but official notice is taken that it is well known to use web pages to display lists of available products, and to provide such products in response to a customer selecting a product in the web page. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to display the product representations and sound representations in a page, and enable the product for the sound to be provided to the user when the representation of an available product was selected in the displayed page, for the obvious advantage of enabling products to be selected and provided according to standard electronic commerce techniques, likely to be familiar to web designers and potential customers.

As per claim 70, Hosken discloses that the sound is stored in a database, and to be stored in a database, it must inherently be formatted. Hosken does not disclose that the format includes WAV and MP3 (although Hosken mentions the use of MP3 [column 16, lines 45-49]), but official notice is taken that WAV and MP3 are well known audio formats. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the sound format to be one of WAV or MP3, for the obvious advantage of formatting the sound using a known, readily available format, which many potential customers would be able to use for listening.

As per claim 71, Hosken discloses associating another type of data with the sound stored in a database, the other type of data including pictures (column 8, lines 53-65). Hosken does not expressly disclose movie and graphic data (although "media clips" is suggestive), but official notice is taken that it is well known to associate movie and graphic data with sounds (at least since the invention of the "talkies"). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to associate movie and graphic data with sound stored in the database, for the obvious advantage of presenting combined or related sense impressions, thus achieving a greater impact than sound alone would accomplish.

As per claim 72, Hosken does not expressly disclose a computer readable medium having computer-executable instructions for performing the method (at least, not in his specifications, although claims 1, 14, and 19 are suggestive), but official notice is taken that the use of computer-readable media having computer-executable instructions is well known. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to use a computer readable medium having computer-executable instructions for performing the method recited in claim 69, for the obvious advantage of saving the trouble of hiring human beings to carry out the method, which would be absurdly clumsy even if it could be done.

As per claim 73, Hosken discloses a client-server system for implementing his method (e.g., column 2, lines 29-51; claims 5 and 10).

Allowable Subject Matter

Claims 59-62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, with corrections to overcome the objections made to minor informalities.

The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record, von Rosen et al. (U.S. Patent 6,493,677), discloses a method for enabling a product associated with an image to be ordered over a network, disclosing or making obvious the limitations of claim 43, as set forth above. The additional limitations of claims 55 and 58 are held to be obvious over von Rosen in view of Sterling (U.S. Patent 6,466,975), as set forth above. As per claim 59, von Rosen discloses (a) employing the temporary identifier to determine when the current user is a repeat user, the repeat user having a previously assigned permanent identifier (column 11, line 43, through column 12, line 13). Von Rosen discloses (c) when the determination is negative, adding behavior information for the current user to another profile for the current user and saving the temporary identifier to a permanent identifier assigned to the current user. Von Rosen does not disclose (b) when the determination is affirmative, adding behavior information for the current user to a previously created profile for the repeat user, and changing the temporary identifier for the current user to the permanent identifier assigned to the repeat user, but only continuing to process a sale. Sterling teaches identifying a visitor to a website as a known user (column 21, line 56, through column 24, line 58), but does not teach changing a temporary identifier to

the permanent identifier, nor does any other prior art of record supply the deficiencies of von Rosen and Sterling.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nahan et al. (U.S. Patent 5,664,111) discloses a computerized, multimedia, network, real time, interactive marketing and transactional system. Tackbary et al. (U.S. Patent 5,960,412) disclose a method and apparatus for communicating with a card distribution center for management, selection, and delivery of social expression cards. Fay (U.S. Patent 5,983,201) discloses a system and method enabling shopping from home for fitted eyeglass frames. Knight (U.S. Patent 6,344,853) discloses a method and apparatus for selecting, modifying one image on another. Suzuki (U.S. Patent 6,493,743) discloses a PDA workspace interface using application icons for downloading remote user files. Mosquera et al. (U.S. Patent 6,505,202) disclose apparatus and methods for finding information that satisfies a profile and producing output therefrom. Riverieulx de Varax (U.S. Patent 6,507,841) discloses methods of and apparatus for refining descriptors. Wang et al. (U.S. Patent 6,526,155) disclose systems and methods for producing visible watermarks by halftoning. Pang (U.S. Patent 6,629,143) discloses a mobile computing system and method for a network.

Lunetta et al. (U.S. Patent Application Publication 2001/0031102) disclose methods and apparatuses for generating composite images. Winters (U.S. Patent

Application Publication 2001/0034635) discloses a system and method for utilizing a fully-integrated, on-line digital collectible award redemption and instant win program. Berliner (U.S. Patent Application Publication 2001/0034666) discloses a method of providing repair information and doing business thereon on a global computer network. Whitworth (U.S. Patent Application Publication 2001/0034668) discloses virtual picture hanging via the Internet. Amidhozour et al. (U.S. Patent Application Publication 2002/0052803) disclose methods and apparatus for facilitating electronic commerce in area rugs.

Riverieulx de Varax (EP 0 938 053 A1) discloses methods of refining descriptors.

The anonymous article, "Tribune Company Invests in Picture Network International, Electronic Photo Archive and Marketing Company," discloses searching and retrieving photos online. Smith, in "Customization Is Key to Case Promotions: National Program Addresses Local Dealer Needs," discloses customizing catalogs with pictures. The anonymous article, "Here's One for Your Xmas List" (Abstract only), discloses printers with software for printing stickers, coloring books, t-shirts, etc. The anonymous article, "Seeing Your Photos a Whole New Way," discloses downloading stored images. Falkenberg, in "Virtually Made to Order," discloses ordering postcard, mousepads, and coffee mugs with one's own pictures on them. The anonymous article, "Reuters Supports XML," discloses use of the IPTC format.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 703-305-0753. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 703-308-1344. (Wynn Coggins is currently on assignment elsewhere in the Patent Office; the examiner's acting supervisor, Jeffrey Smith, can be reached at 703-308-3588.) The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Non-official/draft communications can be faxed to the examiner at 703-746-5574.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Nicholas D. Rosen
NICHOLAS D. ROSEN
PRIMARY EXAMINER
December 31, 2003